

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

HENRY HARRIS, JR., ZELMA HARRIS, and
EVERETTE BODDY

PLAINTIFFS

VERSUS

CIVIL ACTION NO.: 3:12cv80DPJ-FKB

CITY OF YAZOO CITY, MISSISSIPPI and
PUBLIC SERVICE COMMISSION OF YAZOO CITY

DEFENDANTS

MOTION FOR LEAVE TO AMEND COMPLAINT

COME NOW Defendants, Henry Harris, Jr., Zelma Harris, and Everette Boddy (hereinafter collectively “Plaintiffs”), by and through counsel, pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, and present to this Honorable Court their Motion for Leave to Amend Complaint, filed in this cause and in support of which, would show the following, to-wit:

1. On or around February 3, 2012, Plaintiffs filed their Complaint against the City of Yazoo City, Mississippi and the Public Service Commission of Yazoo City. *See* [Document 1.]
2. On or around February 24, 2012, Plaintiffs filed their First Amended Complaint to correct the name of one of the named plaintiffs. *See* [Document 5].
3. As of the filing of this motion, all named defendants have been served and have filed an answer.
4. During the course of their investigation into the facts surrounding this matter, Plaintiffs have been made aware of an additional party Plaintiff not presently named in the current litigation.
5. All conditions precedent to filing suit have been satisfied by the Plaintiff to be

added.

6. Said individual is a Federal Rule of Civil Procedure 19 party whose joinder is required.

7. Justice requires Plaintiffs be permitted to amend their First Amended Complaint as provided by their proposed Second Amended Complaint attached hereto as **Exhibit "1"**.

8. Therefore, there exist sufficient grounds under Rule 15 of the Federal Rules of Civil Procedure to amend Plaintiffs' First Amended Complaint.

9. No prejudice will result by allowing the amendment of the Plaintiffs' Complaint.

10. Allowing the amendment of Plaintiffs' First Amended Complaint will not delay the trial of this case as there has not yet been a case management conference.

11. Plaintiffs file this Motion not in an effort to unduly harass or burden the Defendants, not to delay the trial of this matter, but in order that justice and equity may truly be served in this case.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request that this Court grant it leave to amend their First Amended Complaint in substantially the manner as set forth in **Exhibit "1"** to this Motion, pursuant to Rule 15 of the Federal Rules of Civil Procedure. Plaintiffs further respectfully request that this Court relate back any and all amendments and joinders to the date of the filing of Plaintiffs' original Complaint. Furthermore, Plaintiffs respectfully request any and all relief this honorable Court deems adequate and just in the premises.

RESPECTFULLY SUBMITTED this the 10th day of April, 2012.

HENRY HARRIS, JR., ZELMA HARRIS, and
EVERETE BODDY

By: /s/ Adam R. deNobriga
CLYDE X. COPELAND, III
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CERTIFICATE OF SERVICE

This is to certify that I have this day sent via the ECF system, a true and correct copy of the above and foregoing to the following:

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THIS, the 10th day of April, 2012

/s/ Adam R. deNobriga
ADAM R. deNOBRIGA